

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHRISTOPHER J. VAZQUEZ,

Plaintiff,

-v-

1:21-CV-1359

TIMES UNION NEWSPAPER,

Defendant.

APPEARANCES:

OF COUNSEL:

CHRISTOPHER J. VAZQUEZ

Plaintiff, Pro Se

45 Arnold Avenue, Unit 2

Amsterdam, NY 12010

DAVID N. HURD

United States District Judge

ORDER ON REPORT & RECOMMENDATION

Pro se plaintiff Christopher Vazquez (“plaintiff”) initially filed this action in Supreme Court, Albany County, alleging that defendant Times Union Newspaper caused him “emotional distress.” *See* Dkt. No. 1.

On December 20, 2021, plaintiff filed a letter in this District in which he stated that he wanted his case “ruled out” of Supreme Court and “executed by The U.S. District Court of Albany, N.Y.” Dkt. No. 1. The Clerk of the Court initially construed this filing as a “notice of removal” and opened this civil

action. *Id.* Although the matter was initially closed because plaintiff had failed to pay the filing fee, Dkt. No. 2, plaintiff eventually filed a motion for leave to proceed *in forma pauperis* (“IFP Application”), Dkt. No. 3, and the Clerk reopened the file so that plaintiff’s IFP Application could be considered by the assigned Magistrate Judge, Dkt. No. 4.

On March 1, 2022, U.S. Magistrate Judge Christian F. Hummel granted plaintiff’s IFP Application for the limited purpose of filing only, construed plaintiff’s filing as a “complaint,” and advised by Report & Recommendation (“R&R”) that plaintiff’s “complaint” be dismissed with prejudice and without leave to amend, “but without prejudice to plaintiff attempting to bring the case in the appropriate state court should he wish to do so.” Dkt. No. 5.

Plaintiff has not filed objections, and the time period in which to do so has expired. *See* Dkt. No. 5. Upon review for clear error, the R&R will be accepted and adopted in all respects. *See* FED. R. CIV. P. 72(b).

Therefore, it is

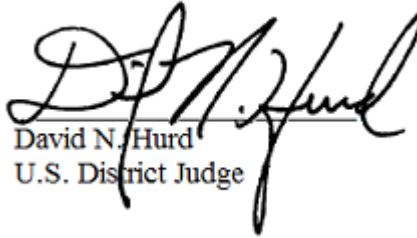
ORDERED that

1. The Report & Recommendation is ACCEPTED; and
2. Plaintiff’s “complaint” is DISMISSED WITH PREJUDICE AND WITHOUT LEAVE TO AMEND, “but without prejudice to plaintiff attempting to bring the case in the appropriate state court should he wish to do so.”

The Clerk of the Court is directed to enter a judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: March 21, 2022
Utica, New York.



David N. Hurd
U.S. District Judge